

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3116 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SUSHILABEN MOHANBHAI

Versus

DHOLKA NAGARPALIKA

Appearance:

MR KS ACHARYA for Petitioner
MR AMBALAL D DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 19/04/2000

ORAL JUDGEMENT

None appears for the petitioner. No one appears
for the respondent. I have gone through the writ
petition and reply submitted by the respondent. It
appears that the petitioner filed this writ petition
claiming a direction on the respondent for quashing the

order of termination passed by the respondent Municipality. It is alleged in the petition that the petitioner was engaged as Sweeper. She was engaged by the respondent Municipality on 12th December, 1982 and she continued as daily worker till 4th November, 1985. Thereafter the petitioner was asked not to continue her work and accordingly, she is not being permitted to work under respondent Municipality. I have gone through the reply affidavit. From the reply affidavit, it appears that the petitioner was never appointed in the post in question under the respondent and she was engaged on daily basis and she was paid the wages only on the days she worked under respondent Municipality. There is no record to show that the petitioner was either appointed or was engaged in the post under the respondent, and therefore, I am of the view that the petitioner has no right to challenge the authority of the respondent Municipality in discontinuing her engagement. Since the petitioner is engaged for work on daily basis and she was being paid the wages for the days on which she had worked, she cannot claim for her regular appointment. As I do not find any merits in the matter, the writ petition is accordingly dismissed. Rule is discharged, but I make no order as to costs.

Date: 19/4/2000. (P.K.SARKAR,J.)

ccshah